

REMARKS

Applicants respectfully request that prosecution be reopened under 37 C.F.R. §41.39 and that this amendment be entered.

In the Examiner's Answer dated December 9, 2008, the Examiner entered a new ground of rejection of claims 1-2 and 4-23 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The Examiner stated on p. 3 of the Answer that "[t]he method as claimed can be performed in the mind of a user, by paper and pencil, or by a machine." The Examiner noted that "[t]he above deficiency can be overcome by expressly stating in the body of the claimed method, using a computer (apparatus) or terminal, for example, which makes the claim useful." The remaining Grounds of Rejection appear to have been maintained unchanged from the Examiner's Answer dated September 13, 2007.

Applicants have amended the independent claims to variously recite features such as "an electronic network," "a computerized appeals database," "electronically transmitting," "electronically displaying," among other features. Support for these features can be found in paragraphs [0001], [0067], [0068], [0085], [0091], [0097], [0105], [0107], [0115], [0119], and elsewhere in the application as published (Publication No. 2001/0034621). Additionally, claim 14 has been amended to recite "electronically assigning a unique appeal number to the collected data, the appeal number associating the appeal data with the user profile in a computerized system." Support for this feature can be found in paragraphs [0103], [0107], [0115], [0119], [0173], [0185], and Reference No. 218 in Figure 7, and elsewhere. These amendments have been made in response to the new grounds of rejection under 35 U.S.C. §101 and are relevant thereto. Additionally, claim 22 has been cancelled.

With respect to the remaining rejections maintained by the Examiner, applicants reiterate and fully incorporate all of the arguments presented by applicants in the Reply Brief filed on November 13, 2007, and the Amended Brief Filed on July 13, 2007.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 462322000100.

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Respectfully submitted,

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